

## **MINUTES**

### **MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Vice Chair Jennifer Fiedler, on March 15, 2017 at 9:00 AM, in Room 303 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Keith Regier, Chair (R)  
Sen. Jennifer Fielder, Vice Chair (R)  
Sen. Carlie Boland (D)  
Sen. Jen Gross (D)  
Sen. Steve Hinebaugh (R)  
Sen. Jedediah Hinkle (R)  
Sen. Margaret (Margie) MacDonald (D)  
Sen. Diane Sands (D)  
Sen. Nels Swandal (R)  
Sen. Chas Vincent (R)

**Members Excused:** Sen. Scott Sales (R)

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 70, 3/9/2017; HB 168, 3/9/2017; HB 182, 3/9/2017  
Executive Action: HB 208-Be Concurred In As Amended, HB 217-Be Concurred In,  
HB 277-Reconsider the Action-Passed/Executive Action next week

**HEARING ON HB 182**

**Opening Statement by Sponsor:**

00:01:28 Rep. Frank Garner (R), HD 7, opened the hearing on HB 182, Declaration of policy regarding foster parents and foster children.

**Proponents' Testimony:**

00:07:20 Abigail St. Lawrence, Montana Association of Christians  
 00:09:36 Bob Runkle, manager, Economic Security Division, Department of Public Health and Human Services (DPHHS)  
 00:11:53 Dana Toole, bureau chief, Children's Justice Bureau; Children and Family ombudsmen, Department of Justice (DOJ)  
 00:13:27 Jani McCall, Yellowstone Boys and Girls Ranch; Intermountain Support Network; Protect Montana Kids (PMK)

Chairman Regier entered the hearing room.

00:17:58 Hillary-Anne Crosby, Montana Coalition Against Domestic and Sexual Violence  
 00:18:19 Beth Brennenman, Disability Rights Montana  
 00:19:12 Lena Havron, former foster parent

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:21:02 Sen. Gross  
 00:21:40 Mr. Runkle, DPHHS  
 00:22:00 Rep. Garner  
 00:22:31 Sen. Sands  
 00:24:26 Mr. Runkle  
 00:26:37 Sen. Gross  
 00:26:54 Ms. McCall, PMK  
 00:29:13 Chairman Regier  
 00:29:39 Rep. Garner  
 00:31:12 Sen. Fielder  
 00:32:27 Rep. Garner  
 00:37:42 Sen. Vincent  
 00:38:12 Rep. Garner  
 00:38:24 Sen. Hinkle  
 00:38:57 Mr. Runkle  
 00:40:09 Sen. Sands  
 00:41:09 Ms. Toole, DOJ

00:42:46 Sen. MacDonald  
00:43:50 Ms. McCall  
00:46:01 Sen. Fielder  
00:46:38 Ms. McCall  
00:48:22 Chairman Regier  
00:48:33 Ms. McCall

**Closing by Sponsor:**

00:49:15 Rep. Garner

**HEARING ON HB 70**

**Opening Statement by Sponsor:**

00:52:36 Rep. Jessica Karjala (D), HD 48, opened the hearing on HB 70, Strengthening guardianship services and creating a WINGS group.

**Proponents' Testimony:**

00:55:23 Denise Armstrong, executive director, Big Sky Senior Services (BSSS), Billings

[EXHIBIT\(jus54a01\)](#)

[EXHIBIT\(jus54a02\)](#)

[EXHIBIT\(jus54a03\)](#)

01:01:58 Claudia Clifford, advocacy director, AARP/Montana

[EXHIBIT\(jus54a04\)](#)

01:05:47 Beth Brenneman, Disability Rights Montana (DRMT)

[EXHIBIT\(jus54a05\)](#)

01:09:23 Sue Bailey, program manager, Adult Resource Alliance Resource Center,  
Billings

[EXHIBIT\(jus54a06\)](#)

01:14:43 Nick Hart, Alzheimers Association/Montana

01:16:38 Jean Branscum, chief executive officer, Montana Medical Association

01:17:53 Alex Ward, president, Montana Crime Prevention Association

01:19:56 Aimee Grmoljez, Billings Clinic

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:22:23 Sen. Fielder  
01:22:59 Rep. Karjala  
01:27:37 Ms. Armstrong, BSSS  
01:28:54 Sen. Sands  
01:30:50 Ms. Brenneman, DRMT  
01:35:10 Sen. Vincent  
01:36:53 Ms. Brenneman

**Closing by Sponsor:**

01:39:49 Rep. Karjala

**HEARING ON HB 168**

**Opening Statement by Sponsor:**

01:44:32 Rep. Zach Brown (D), HD 63, opened the hearing on HB 168, Provide for expungement of criminal records for misdemeanors.

[EXHIBIT\(jus54a07\)](#)

**Proponents' Testimony:**

01:49:42 Rep. Dale Mortensen, HD 44, Billings  
01:52:41 Robin Turner, Montana Coalition Against Domestic and Sexual Violence  
01:55:10 Mark Murphy, Montana County Attorneys Association (MCAA)

**Opponents' Testimony:**

None

**Informational Testimony:**

01:58:49 Jason Bright, section supervisor, Criminal Records, Department of Criminal Investigation, Department of Justice

**Questions from Committee Members and Responses:**

01:59:21 Sen. Vincent  
[EXHIBIT\(jus54a08\)](#)

01:59:47 Rep. Brown  
02:02:28 Sen. Vincent  
02:02:58 Mr. Murphy, MCAA  
02:06:26 Sen. Swandal  
02:06:50 Rep. Brown  
02:07:26 Sen. Sands  
02:07:35 Rep. Brown  
02:10:16 Sen. Swandal

02:12:02 Sen. Sands

**Closing by Sponsor:**

02:12:41 Rep. Brown

02:14:51 Recess

02:22:52 Reconvene

**EXECUTIVE ACTION ON HB 208**

02:23:02 **Motion:** Sen. Fielder moved that **HB 208 BE CONCURRED IN.**

02:23:22 Julianne Burkhardt, Legislative Services Division (LSD)

02:23:48 **Motion:** Sen. Fielder moved that **HB 208 BE AMENDED.**

[EXHIBIT\(jus54a09\)](#)

**Discussion:**

02:24:12 Ms. Burkhardt, LSD

02:30:34 Sen. Sands

02:31:40 Chairman Regier

02:31:52 **Vote:** Motion carried 8-3 by roll call vote with Sen. Hinebauch, Sen. Hinkle and Sen. K. Regier voting no. Sen. S. Sales voted by proxy.

02:32:30 **Motion:** Sen. Fielder moved that **HB 208 BE CONCURRED IN AS AMENDED.**

**Discussion:**

02:32:42 Sen. Vincent

02:33:12 Sen. Sands

02:33:22 Sen. Fielder

02:33:46 **Vote:** Motion carried unanimously by roll call vote. Sen. S. Sales voted by proxy. Sen. Swandal will carry the bill.

**EXECUTIVE ACTION ON HB 277**

02:34:58 **Motion:** Sen. Swandal moved to **RECONSIDER THE MOTION** on **HB 277.**

[EXHIBIT\(jus54a10\)](#)

**Discussion:**

02:37:03 Sen. MacDonald

02:37:51 Sen. Swandal

02:38:54 Sen. Sands

02:39:26 Sen. Gross

02:39:45 Sen. Vincent

02:40:17 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy. Executive Action will be done next week.

02:40:34 Chairman Regier

**EXECUTIVE ACTION ON HB 217**

02:41:18 **Motion:** Sen. Fielder moved that **HB 217 BE CONCURRED IN.**

**Discussion:**

02:41:41 Sen. Swandal  
02:41:48 Chairman Regier  
02:42:13 Sen. MacDonald  
02:42:36 Chairman Regier  
02:42:43 Sen. Hinkle  
02:43:23 Sen. Sands  
02:43:54 Sen. Vincent  
02:44:43 Sen. Fielder  
02:45:48 Chairman Regier  
02:45:53 Sen. Fielder  
02:46:40 Sen. Hinebauch

02:47:30 **Vote:** Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales voted by proxy. Sen. Hinkle will carry the bill.

**ADJOURNMENT**

Adjournment: 11:49 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT([jus54aad.pdf](#))**